

Appl. No.: 09/698,077
Amdt. dated 08/16/2005
Reply to Official Action of May 16, 2005

REMARKS

This amendment is filed in response to the non-final Official Action of May 16, 2005, the non-final Official Action being issued in response to Applicants Appeal Brief filed January 18, 2005. The Official Action now rejects Claims 29-31 and 38-40 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,282,489 to Bellsfield et al., in view of U.S. Patent No. 5,802,492 to DeLorme et al. In addition, the Official Action rejects the remaining pending claims, namely Claims 32, 33 and 35-37 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,682,525 to Bouve, in view of the DeLorme patent. In response to the Official Action, Applicants have amended independent Claims 29 and 38 to more clearly define the claimed invention. More particularly, Applicants have amended independent Claims 29 and 38 to include the recitations of dependent Claims 31 and 40, respectively. Accordingly, Applicants have also cancelled dependent Claims 31 and 40. As explained below, however, Applicants have not amended independent Claims 32 and 35, and accordingly traverse the rejections of those claims as being unpatentable over the Bouve patent. In view of the amendments to the claims and the remarks presented below, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

I. Summary of Claimed Subject Matter.

As explained in the Appeal Brief, the present invention relates to methods for retrieving information, and for searching and retrieving information. *See* Pat. Appl., page 13, line 22 – page 17, line 17; and Fig. 7. The method includes sending or receiving a request identifying a first site, and range data defining a distance from the first site. For example, with the method of the claimed invention, a user may send the following request: “I want to know about Italian restaurants within 5 miles of Niagara Falls.” *Id.* at page 14, lines 8-9. After sending or receiving the request, trip planning information is selected based on the identified site(s) (e.g., Niagara Falls) and the range data (e.g., 5 miles), and thereafter received or otherwise output.

In another embodiment, the request identifies two sites of interest (e.g., Flagstaff and Phoenix) and a category of items of interest that the user may wish to visit when traveling between the two sites (e.g., hotels, restaurants, etc.). *Id.* at page 15, lines 6-13. In response to

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such a request, information associated with the first and second sites is selected based upon the type of location of interest and, if so desired, using a geometric shape (e.g., rhombus) generated based upon the first and second sites. *Id.*

In yet another embodiment, the request identifies a site and a type of location of interest, where trip planning information is selected based upon the site, the type of location of interest, and a range that may be variable. In this regard, the range can be determined based upon stored information associated with the type of location of interest, e.g., whether the location of interest is the Empire State Building or Yellowstone National Park. *See, e.g.,* Pat. App. p. 14, lines 20-25. In addition, the range is variable in that it can be varied based on the number of locations of interest located within a predetermined distance of the site. In this regard, the range can be increased if the trip planning information for the current range does not include sufficient information relating to the identified type of location of interest. *See id.* at page 15, line 24 – page 16, line 2; and page 16, lines 17 – 24.

II. Argument.

The Bellsfield patent discloses an automated travel planning apparatus and method that includes a map database, a routing database and a places of interest database. In operation, upon receipt of a selected geographic region, the apparatus displays a bit-mapped image of the region from images in the map database. A user then selects a departure and destination point, and the routing database is used to generate a route between the selected departure and destination points. Also, if the user requests a list of places of interest near the route, the places of interest database can be utilized to generate a list of places of interest that are within a predetermined distance of the generated route. In this regard, the places-of-interest database organizes the places according to common geographic centers, which may comprise the cities with which the respective places are most commonly associated. More particularly, then, the list of places of interest are generated according to geographic centers within the predetermined distance of the route between the departure and destination points.

The DeLorme patent discloses a travel reservation information and planning system and method. According to the method, users engage in a planning process, whereby the users plan,

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revise or edit travel plans. The users can also preview alternate routes, select points of interest, and compare times and costs of transportation options such that the users can achieve a final travel plan. For example, the system can include a point-of-interest database that allows users to select types of attractions or accommodations within a user-defined region around routes of travel.

Finally, the Bouve patent discloses a system and method for remotely accessing a selected group of items of interest from a database. As described, a user can access a common database from a remote communications port, at any qualified location, to generate a map or other positional information which locates selected items of interest, e.g., businesses, stores, architectural sites, and the like. The database contains information representing the items of interest, including, for each item of interest, positional coordinates of the item, a geographic vicinity of the item, and a selected category of the item. The positional coordinates discretely locate the vicinity, while the vicinity specifies the exact locations of the items of interest in the selected category. For example, a user can select the display of sporting shops in the area surrounding Chicago O'Hare International Airport. In this regard, the Bouve patent discloses displaying a geographic vicinity about the user or a desired destination. More particularly, the Bouve patent discloses that the scope of the geographic vicinity for the items of interest is generally within walking distance of the user or desired destination. Column 6, lines 59-60 (although, at column 11, lines 11-14, the Bouve patent does indicate that the user can select a greater radius for display or another destination location).

A. Claims 29, 30 and 38, 39 are Patentable over Bellsfield/DeLorme

As recited by amended independent Claims 29 and 38, a method is provided for retrieving information, and searching and retrieving information, respectively. The method includes sending or receiving a request identifying at least a first site, a second site and a type of location of interest. Thereafter, information associated with the first and second sites is received or sent, where the information is selected based upon the type of location of interest. In independent Claim 29 recites that the information is selected using a geometric shape generated based upon the first and second sites, and independent Claim 38 specifically recites generation of

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the geometric shape. More particularly, as amended, the geometric shape has been generated (Claim 29) or is generated (Claim 38) based on a first distance value representing the distance between the first and second sites, and a second distance value representing a function performed on the first distance value.

In contrast to the claimed invention of amended independent Claims 29 and 38, neither the Bellsfield patent nor the DeLorme patent, individually or in combination, teach or suggest selecting information using a geometric shape generated based on a first distance value representing the distance between the first and second sites, and a second distance value representing a function performed on the first distance value, or accordingly generating such a geometric shape. In spite of the Official Action's concession that the Bellsfield patent does not teach or suggest generating a geometric shape based on the first and second sites, in rejecting dependent Claims 31 and 40, the Official Action alleges that the Bellsfield patent (citing column 7, lines 54 – 62) discloses the aforementioned feature. More particularly, the Official Action alleges that the recited feature corresponds to the Bellsfield patent's disclosure of the distance between a point C and a destination point A (i.e., $C + A$), and the distance between point C and destination point A plus an additional destination point B (i.e., $C + A + B$). Applicants respectfully disagree.

As recited by the claimed invention, a request is sent or received that identifies at least a first site, a second site and a type of location of interest, with information selected using the aforementioned geometric shape being thereafter received or sent. For the sake of comparison only, consider the different combinations of points C, A and B as corresponding to the first and second sites identified in the recited request (i.e., $C \rightarrow A$, $A \rightarrow B$, and $C \rightarrow B$), as shown below in FIG. 6 of the Bellsfield patent. Irrespective of the combination of first and second sites, the Bellsfield patent does not teach or suggest generating a route therebetween based upon any distance other than the distance between the respective sites. For example, when C and A represent departure and destination points corresponding to the first and second sites, respectively, the Bellsfield patent discloses generating a route only based upon the distance between C and A, i.e., distance L_2 . And even if it could be suggested that distance L_2 corresponds to the recited first distance value (although expressly not admitted as such), the

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Bellsfield patent does not teach or suggest generating a shape based upon distance L_2 and a second distance value representing a function performed on distance L_2 , in a manner similar to the shape of the claimed invention. Similarly, when A and B represent departure and destination points corresponding to the first and second sites, respectively, the Bellsfield patent discloses generating a route only based upon the distance between A and B, i.e., distance L_1 . Further, even considering that a route between C and B passes through A, when C and B represent departure and destination points corresponding to the first and second sites, respectively, the Bellsfield patent discloses generating a route only based upon the distance between C and B, i.e., distance $L_1 + L_2$.

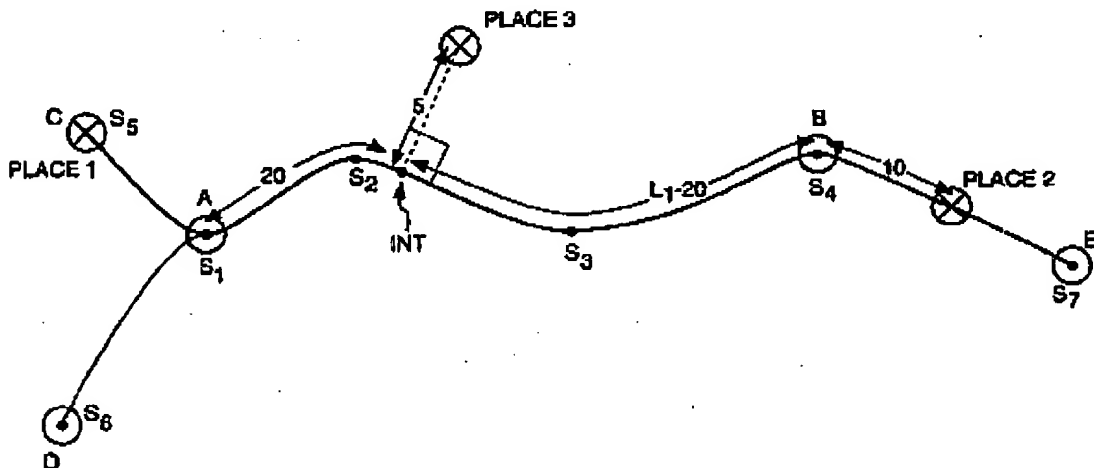


FIG. 6, Bellsfield Patent

The Official Action further alleges that the DeLorme patent also discloses the aforementioned feature of the claimed invention. More particularly with reference to FIG. 5A of the DeLorme patent, the Official Action alleges that the DeLorme patent discloses generating a circle about a first site such that a second site corresponds to any location on the circle, the circle's radius R corresponding to the recited first distance value representing the distance between the first and second sites. The Official Action then alleges that the DeLorme patent discloses a user resizing the radius R and thus the circle, where the distance between the first site and a location on the larger radius corresponds to the recited second distance value. Again, Applicants respectfully disagree.

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First, any location on a circle of radius R cannot reasonably correspond to the recited second site. As indicated above, the claimed invention recites sending or receiving a request identifying at least a first site, a second site and a type of location of interest, and receiving or sending information selected using the aforementioned geometric shape. The DeLorme patent, however, does not teach or suggest receiving a request including any location a distance R from a first site. Second, the DeLorme patent accordingly also does not teach or suggest that point of interest (POI) information selected within the circle is associated with any location on the circle of radius R .

Third, even if a location on the circle of radius R could reasonably correspond to the recited second site, and even if the radius R could reasonable correspond to the recited first distance value, the DeLorme patent does not teach or suggest that the circle is also generated based upon a second distance value representing a function performed on the first distance value, as is the geometric shape of the claimed invention. In fact, the DeLorme patent does not teach or suggest that the circle about the first site is generated based upon any value other than the radius R . The Official Action seems to suggest that if the user increases the radius of the circle to a larger radius (referred to herein as $R+$), that larger radius corresponds to the second distance value. Increasing the radius of the circle, however, generates a new circle having radius $R+$, which is still the only distance value upon which the larger circle is generated. Thus, at any given instance, the circle about the first site is generated based upon only the radius of the respective circle (R or $R+$), and not based upon two distance values, whether the recited first and second distance values as in the claimed invention or otherwise.

Applicants therefore respectfully submit that the claimed invention of amended independent Claims 29 and 38, and by dependency Claims 30 and 39, are patentably distinct from the Bellsfield and DeLorme patents, taken individually or in combination. And as such, Applicants respectfully submit that the rejection of Claims 29, 30 and 38, 39 as being unpatentable over the Bellsfield patent in view of the DeLorme patent is overcome.

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B. Claims 32, 33 and 35-37 are Patentable over Bouve/DeLorme

As previously explained in the Appeal Brief, independent Claims 32 and 35 of the present application recite methods for searching and retrieving information, and for retrieving information, respectively. As recited, the methods include receiving or sending a request including a site and a type of location of interest. Then, trip planning information is provided or received based upon the site, the type of location of interest, and a range. As recited by independent Claim 35, the range is variable. More particularly, as recited by independent Claim 32, the range is determined, including being varied based on the number of locations of interest located within a predetermined distance of the site. In addition, the range is based upon stored information associated with the type of location of interest, e.g., whether the location of interest is the Empire State Building or Yellowstone National Park. *See*, e.g., Pat. App. p. 14, lines 20-25.

In contrast to the methods of independent Claims 32 and 35, neither the Bouve patent nor the DeLorme patent, individually or in combination, teach or suggest providing or sending trip planning information for a type of location of interest based on a range determined based on stored information associated with the type of location of interest. The Official Action alleges that the Bouve patent discloses the aforementioned feature, citing column 6, lines 39-60 as support for its allegation. In contrast to the allegations of the Official Action, however, Applicants respectfully submit that the Bouve patent does not disclose this feature of the claimed invention, as explained below.

For the sake of comparison only, the scope of the vicinity about either the user location or a desired location, as disclosed by the Bouve patent, can be considered to most readily correspond to a range, as recited by the claimed invention. In contrast to the methods of independent Claims 32 and 35, then, the Bouve patent does not teach or suggest that the scope of the vicinity is based upon a type of location of interest, or that the vicinity can be varied based upon the number of locations of interest located within a predetermined distance of the user location or desired location. Principally, the Bouve patent discloses that the scope of the vicinity about the user or desired location is predefined as within walking distance of the user or desired destination. In this instance, in contrast to the claimed invention, the Bouve patent does not

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teach or suggest that the scope of the vicinity is based on stored information associated with the type of location of interest (e.g., businesses, stores, architectural sites, etc.). Rather, the Bouve patent defines the scope of the vicinity as being set based upon a walking distance of the user, irrespective of the type of location of interest.

Similar to the Bouve patent, Applicants respectfully submit that the DeLorme patent does not teach or suggest providing or sending trip planning information for a type of location of interest based on a range determined based on stored information associated with the type of location of interest, as recited by the claimed invention. As neither the Bouve patent nor the DeLorme patent individually teach or suggest this feature of the claimed invention, the combination of the Bouve patent and DeLorme patent likewise does not teach or suggest this feature. Applicants therefore respectfully submit that independent Claims 32 and 35, and by dependency Claims 33, 36 and 37, are patentably distinct from the Bouve patent and the DeLorme patent, taken individually or in combination. Accordingly, Applicants respectfully submit that the rejection of Claims 32, 33 and 35-37 as being unpatentable over the Bouve patent in view of the DeLorme patent is overcome.

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CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

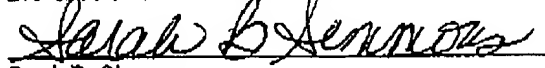


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Sarah B. Simmons

August 16, 2005
Date